

ACQUISITION OF PROPERTY FOR PUBLIC HIGHWAYS (EXCERPT)
Act 295 of 1966

213.361 Securing fee simple or lesser estate in real property and other property; conditions.

Sec. 1.

Cities, villages, townships, drainage districts, counties, boards of county road commissioners, and the state highway commission, referred to in this act as the petitioner, are authorized and empowered to secure the fee simple or lesser estate in real property and other property from the owners under the following conditions:

(a) Property for the right of way for limited access highways and other highways to be laid out, altered, or widened, or for changing the direction or line of those highways.

(b) Gravel, rock, sand, dirt, and all other materials that may be needed for the proper construction, improvement, or maintenance of a highway.

(c) Property the petitioner determines is necessary to give persons using a highway a clear view of approaching persons and vehicles, cars, trains, and other instruments of travel at an intersection of a highway with another highway or with a railroad track.

(d) Property the petitioner determines is necessary to change the channel of a watercourse, natural or artificial, in order to maintain a proper alignment of a highway without crossing the watercourse and the riparian rights of a person, firm, or corporation in or pertaining to the watercourse.

(e) Property abutting on a highway right of way that the petitioner determines is necessary for the storage of road machinery, equipment, or materials.

(f) Property the petitioner determines is necessary for the location, development, and construction of offstreet parking places for vehicles, or to facilitate the flow of traffic on sections of the highways forming bypasses around and connections into and through municipalities and metropolitan areas, upon which sections parking is permanently prohibited.

(g) Property the petitioner determines is necessary for the construction, adjacent to the highways, of flight strips for the landing and takeoff of aircraft or for clear zones or aviation easements in connection with those flight strips, or a combination, in order to insure greater safety for traffic. For the purpose of uniformity, the size, location, layout, lighting, and markings of the flight strips shall be in conformity with rules to be prescribed by the board or commission.

(h) All other property and property rights the board or commission having jurisdiction over a highway determines to be necessary for the proper construction, improvement, landscaping, or maintenance of the highway including the development, construction, and maintenance, adjacent to those highways, of roadside parks, parking spaces, rest areas, scenic areas, scenic lookouts, information lodges, and other purpose authorized by law in the interest of the beneficial use of the highways by the traveling public.

(i) Nonresidential property cities and villages determine to be necessary for redevelopment or rehabilitation projects as authorized by Act No. 344 of the Public Acts of 1945, as amended, being sections 125.71 to 125.84 of the Michigan Compiled Laws. Nonresidential property means property either zoned or used as commercial, industrial, or professional property.

(j) Property the petitioner determines is necessary for the location, development, and construction of a county water supply system, solid waste disposal system, or county sewage disposal system as authorized by Act No. 185 of the Public Acts of 1957, as amended, being sections 123.731 to 123.786 of the Michigan Compiled Laws or by Act No. 342 of the Public Acts of 1939, as amended, being sections 46.171 to 46.188 of the Michigan Compiled Laws.

(k) Property the petitioner determines is necessary for the location, establishment, construction, improvement, or relief of a drain as authorized by Act No. 40 of the Public Acts of 1956, as amended, being sections 280.1 to 280.630 of the Michigan Compiled Laws.

History: 1966, Act 295, Imd. Eff. July 14, 1966 ;-- Am. 1967, Act 206, Imd. Eff. July 10, 1967 ;-- Am. 1971, Act 220, Imd. Eff. Dec. 30, 1971 ;-- Am. 1978, Act 188, Imd. Eff. June 4, 1978